

People's Choice-TV®

DOCKET FILE COPY ORIGINAL

RECEIVED

FEB 08 1995

February 6, 1995

FCC MAIL ROOM

Office of Secretary
Federal Communications Commission
Washington, DC 20054

Ladies and Gentlemen:

Enclosed please find one original and nine copies of the Reply
Comments of People's Choice TV Corp. for MM Docket No. 94-131 and
PP Docket No. 93-253.

Please call me at (203) 929-2800 if you have any questions.

Sincerely,



Andrew G. Zehner
Associate Counsel

AGZ/lp
Enclosures

No. of Copies rec'd
List ABCDE

CHG

Before the
Federal Communications Commission
Washington, DC 20054

RECEIVED

FEB 08 1995

FCC MAIL ROOM

In the Matter of

Amendment of Parts 21 and 74 of the
Commission's Rules with Regard to
Filing Procedures in the Multipoint
Distribution Service and in the
Instructional Television Fixed Service

)
)
)
)
)

MM Docket No. 94-131

DOCKET FILE COPY ORIGINAL

and

Implementation of Section 309 (j) of the
Communications Act - Competitive Bidding

)
)

PP Docket No. 93-253

REPLY COMMENTS OF
PEOPLE'S CHOICE TV CORP.

People's Choice TV Corp. hereby submits its Reply Comments in the above matter, specifically addressing the issue of whether the Protected Service Area (PSA) for MDS Licenses should be extended. People's Choice TV believes that the PSA for MDS Licenses should be extended pursuant to the MDS Rulemaking. We have three reasons for supporting this change.

First, the reality of the wireless industry in a large market is that almost half of the customers are located outside of the current PSA of the MDS License. In addition, in cities where People's Choice has fully operational wireless systems, over one quarter of the ITFS Receive Sites are located outside the current fifteen mile PSA for MDS Licenses. The practical effect is that in our Houston system, an ITFS Licensee has a Receive Site located almost 62 miles from the transmission site which, with proper registration, has been protected, while we have a wireless customer located almost as far out without any protection (See attached Receive Site maps for our Houston and St. Louis systems). Extending the PSA would therefore be a recognition of the reality of the wireless business. It seems senseless to have the 20 ITFS channels operate on a completely different scale than the MDS channels, when the technology is exactly the same.

The second reason for extending the PSA is that investors have already invested in the wireless industry based on the economics of wireless systems serving areas outside of the current PSA. The continuing growth of the industry depends on investors believing with certainty that the wireless operator will have the right to continue to serve the areas outside of the fifteen mile limit. Without this guaranteed right and without greater certainty, continued investment in the wireless industry may be limited. People's Choice recently obtained financing from a Wall Street investor in which one of the greatest concerns of the investor was the tenuous nature of the right to serve customers outside the PSA in each market. With increased consolidation in cable TV, and nationally available DBS, wireless companies must be able to reach the scale of their competitors.

The final reason to extend the PSA for MDS Licenses is because it is illogical to draft FCC regulations that artificially limit and restrict wireless technology. The wireless industry is still only in an adolescent stage and will not develop to its fullest potential if the regulatory structure of the industry does not allow companies like People's Choice to serve customers whenever we can reach them with our wireless signal. Increasing the PSA of the MDS License will be an acknowledgment of the capabilities of the technology.

In sum, the PSA should be extended in order to acknowledge the realities of the industry and the capabilities of the technology, and because it would foster more investment by providing a greater degree of certainty for investors.

Respectfully Submitted

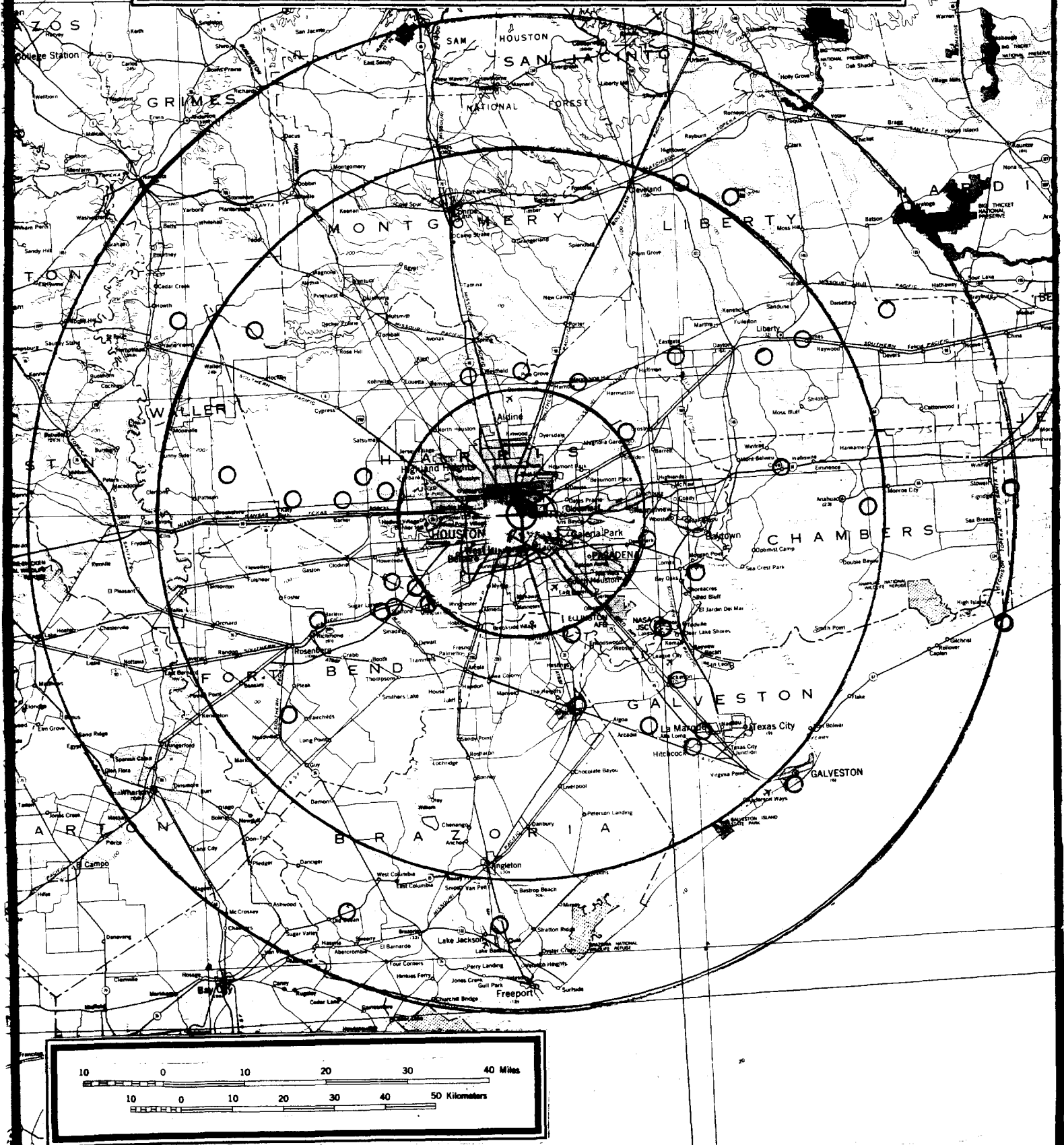
A handwritten signature in black ink, appearing to read 'M Oristano', with a stylized, flowing script.

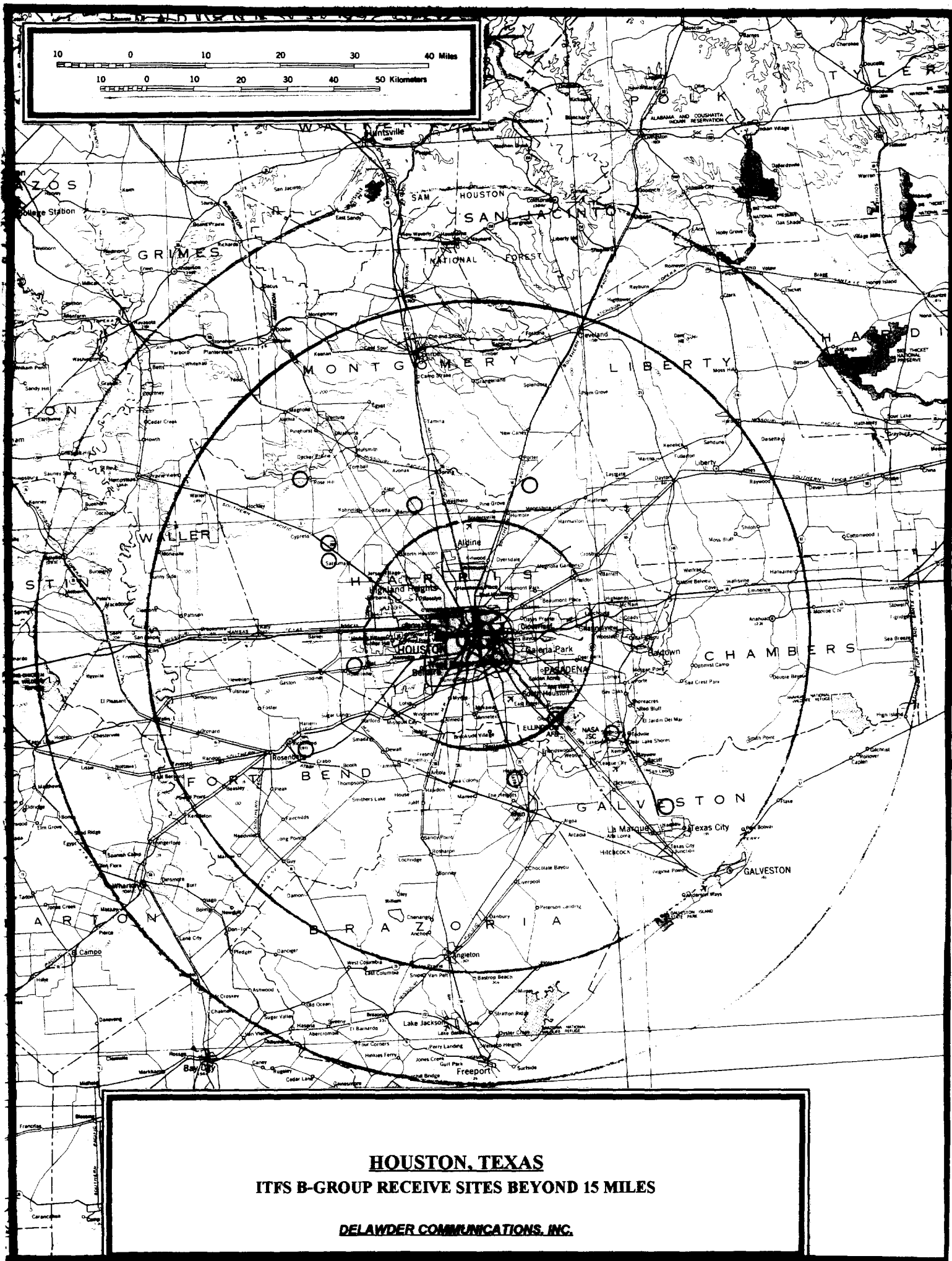
**Matthew Oristano
Chairman
People's Choice TV Corp.**

HOUSTON, TEXAS

ITFS A-GROUP AND C-GROUP RECEIVE SITES BEYOND 15 MILES

DELAUDER COMMUNICATIONS, INC.

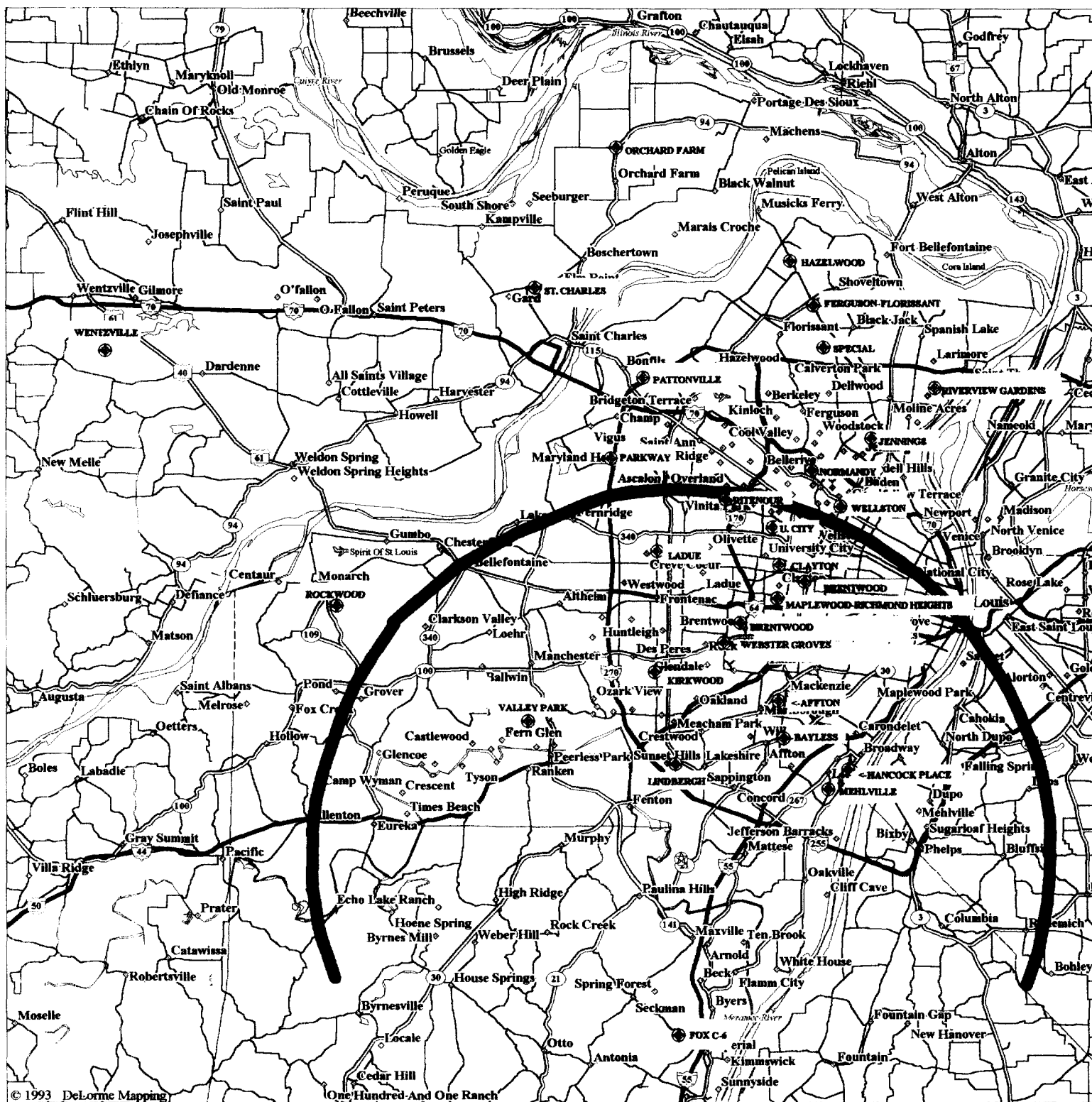




HOUSTON, TEXAS

ITFS B-GROUP RECEIVE SITES BEYOND 15 MILES

DELAUDER COMMUNICATIONS, INC.



LEGEND

- | | |
|------------------------|----------------------|
| ○ State Route | ✈ Airfield |
| ◻ Geo Feature | --- County Boundary |
| ◊ Town, Small City | ● Population Center |
| ◆ Large City | — Major Street/Road |
| ⬮ Interstate, Turnpike | — Interstate Highway |
| — US Highway | — State Route |

- | |
|--------------|
| — US Highway |
| — Airfield |
| ▭ Land Mass |
| ▭ Open Water |

Mag 11.00

Thu Feb 02 11:34:18 1995

Scale 1:350,000 (at center)

5 Miles

10 KM